

Application No. 10/611,947

REMARKS / ARGUMENTS

Claims 1, 6 – 12, 14 – 17 and 22 were rejected. Claims 2 – 5, 13 and 18 – 21 were withdrawn from consideration per the restriction requirement and drawn to a non-elected species II and III. Confirmation of the election to species I is hereby affirmed.

Claim 1 has been amended. Claims 6, 7, 10 and 11 cancelled the subject matter being incorporated into amended claim 1.

The examiner objected to the drawings reference to the measuring device 20 as it relates to the species I invention of Figures 1, 5, 6, 7a – 7d. Applicants disagree in particular the measuring device 20 is shown clearly in figure 5 as a component inside the housing module 5 while noted as a box the specification indicates the measuring device 20 can be one of the several listed in paragraph [0024] being captive inductive, optical or mechanical. And although this paragraph is discussing the invention shown in figure 3, it is appreciated the referred to code 32 on the figures 5 – 7d of the elected species must be read by a measuring device 20 clearly shown most appropriately in figure 5 of the elected species.

Withdrawal of the rejection is requested. In view of the amendment to claim 1, it is believed proper to rejoin the non-elected dependent claims 2 – 5 and 13 and 18 – 21 to amended claim 1 which applicants argue is generic as amended to each of the Species I, II and II. These formerly withdrawn dependent claims are properly further limitations to the independent claim 1 as amended.

The examiner objected to the claims 1, 6 – 12, 14 – 17 and 22 which includes a measuring device for measuring the advance movement of the measuring element. As noted the measuring device 20 in combination with the measuring element 8 is clearly shown and described in the specification as presented. See figure 5. Withdrawal of objection is respectfully requested.

Claims 1, 6 – 12, 14 – 17 and 22 were rejected as being indefinite, specifically the use of the phrase "and/or" rendered the claim indefinite. Applicants agree and deleted the term "and" as being superfluous.

Claims 15 and 17 were objected to for failing to provide a proper antecedent basis. The amendment to claim 1 introduces the limitation of "a sleeve or sheath" rendering this informality moot.

The examiner rejected claims 1, 12 and 22 under 35 USC 102(b) as being anticipated by Sinnhuber (6,308,983). Similarly claims 1, 6 – 9, 11, 12, 14 – 17 and 22 were rejected under 35 USC 102(e) as being anticipated by Husby et al (2004/0119273 A1) and also claims 1, 6, 7 and 9 – 11 were rejected as being anticipated by

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Pettypiece, Jr (6,840,539) and further claims 1, 6, 7, 9, 11, 12 and 14 – 17 were rejected as being anticipated by Husby (6,793,243).

Applicants amended claim 1 wherein the features of claims 6, 7, 10 and 11 were incorporated into amended claim 1. This alone renders rejections under both references of Husby et al moot.

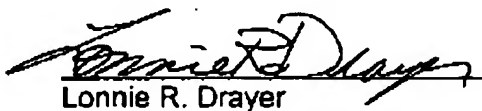
Further, claim 1 was amended wherein the sleeve or sheath is now defined as a flexible or spiral cable which holds each measuring element in a longitudinally extending sleeve or sheath chamber extending along the length of the cable.

The amendment to claim 1 is fully supported at page 4 wherein it is noted the "sleeve or sheath" 40 is substantially similar to a Bowden cable. A Bowden cable has a flexible hollow outer cable with an inner cable or wire. The significance of the use of a cable of this type is the measuring elements 8 which are at least one substantially tape or cord shaped element 8 can be each slipped into a single chamber without being layered or folded or combined in such a fashion to generate inertial effects or knots or tangles. This in essence greatly simplifies the invention relative to the prior art devices using cartridges or cylindrically spirally wound mandrels for holding the measuring tape or cord as in Pettypiece, Jr et al. As noted at page 4, the measuring element 8 can be pulled into the cable via a wire or sucked or inserted into the cable via negative pressure. The current amendment further notes that each measuring element is accommodated in a separate sleeve or sheath chamber as shown in Figure 6. This helps avoid entanglement.

Applicants further amended the Summary of the invention to correspond to the invention as noted in claims.

For the reasons stated above applicants respectfully request the examiner to allow the claims as amended and withdraw the restriction to the non elected claims 2 – 5, 13, and 18 – 21.

Respectfully submitted,



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